

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re Flint Water Cases 16-10444

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The Hon. Judith E. Levy
United States District Judge

Bellwether III Case No. 17-10164

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NOTICE OF OBJECTION
TO DESIGNATIONS OF PROTECTED MATERIAL

Pursuant to the Court’s December 19, 2019 Confidentiality Order [Case No. 16-cv-10444, ECF No. 299],¹ Plaintiffs challenge the designations of the following documents previously produced by the Veolia Defendants (“Veolia”), each of which has been designated CONFIDENTIAL:

1. VWNAOS085515
2. VWNAOS085515.0001
3. VWNAOS085516
4. VWNAOS085516.0001
5. VWNAOS090992
6. VWNAOS090992.0001
7. VWNAOS090992.0002

¹ See also Fifth Amended Case Management Order [Case No. 16-cv-10444, ECF No. 1255-3].

8. VWNAOS090992.0003
9. VWNAOS090992.0004
- 10.VWNAOS091116
- 11.VWNAOS091117
- 12.VWNAOS091117.0001
- 13.VWNAOS091121
- 14.VWNAOS091123
- 15.VWNAOS091124
- 16.VWNAOS091129
- 17.VWNAOS091129.0001
- 18.VWNAOS091160
- 19.VWNAOS091160.0001
- 20.VWNAOS164993
- 21.VWNAOS164993.0001
- 22.VWNAOS164994
- 23.VWNAOS164994.0001
- 24.VWNAOS526234
- 25.VWNAOS528237
- 26.VWNAOS528237.0001
- 27.VWNAOS528366

28.VWNAOS528366.0001

29.VWNAOS528366.0002

30.VWNAOS528366.0003

31.VWNAOS552988

32.VWNAOS552988.0001

33.VWNAOS552989

34.VWNAOS552989.0001

35.VWNAOS552999

36.VWNAOS552999.0001

37.VWNAOS553019

38.VWNAOS553019.0001

39.VWNAOS553020

40.VWNAOS553020.0001

41.VWNAOS553134

42.VWNAOS553290

43.VWNAOS553290.0001

44.VWNAOS553469

45.VWNAOS555473

46.VWNAOS555473.0001

47.VWNAOS555473.0002

48.VWNAOS555522

49.VWNAOS555522.0001

50.VWNAOS555574

51.VWNAOS555574.0001

52.VWNAOS555574.0002

53.VWNAOS555574.0003

54.VWNAOS555602

55.VWNAOS555602.0001

56.VWNAOS557195

57.VWNAOS557195.0001

58.VWNAOS557195.0002

59.VWNAOS557207

60.VWNAOS557212

61.VWNAOS557212.0001

62.VWNAOS557213

63.VWNAOS557213.0001

64.VWNAOS558968

65.VWNAOS558981

66.VWNAOS559054

67.VWNAOS559054.0001

68.VWNAOS559054.0002

69.VWNAOS559054.0003

70.VWNAOS559054.0004

71.VWNAOS559056

72.VWNAOS559056.0001

73.VWNAOS559056.0002

74.VWNAOS559056.0003

75.VWNAOS559056.0004

76.VWNAOS559056.0005

77.VWNAOS559057

78.VWNAOS559057.0001

79.VWNAOS559057.0002

80.VWNAOS559057.0003

81.VWNAOS559057.0004

82.VWNAOS559057.0005

83.VWNAOS559057.0006

84.VWNAOS559324

85.VWNAOS559324.0001

86.VWNAOS559325

87.VWNAOS559325.0001

88.VWNAOS559351

89.VWNAOS559379

90.VWNAOS559379.0001

Plaintiffs informed Veolia of their formal challenge to these designations on July 29, 2023 via email.² Veolia (finally) responded thirteen days later on Friday, August 11, 2023, at 5:15 p.m., (less than seven hours before Plaintiffs were permitted to file this Notice).³ Conveniently, Veolia suggested a discussion for Wednesday, August 16, 2023, regarding the designations, despite an already scheduled *Meet and Confer* on Monday, August 14, 2023 (intended to address other issues).⁴ Plaintiffs responded within the hour, advising our availability any time before Saturday, August 12, 2023, at 5:00 p.m., EDT (but also expressed an unwillingness to delay this filing past that time).⁵ Veolia did not respond.

² July 28, 2023 correspondence to Veolia (Challenge to Confidentiality Designations), attached hereto as **Exhibit A** and incorporated by reference as if fully stated herein.

³ August 11, 2023 correspondence from Veolia (Responding to Confidentiality Challenge), attached hereto as **Exhibit B** and incorporated by reference as if fully stated herein.

⁴ August 10, 2023 correspondence from Veolia (Confirming *Meet and Confer*), attached hereto as **Exhibit C** and incorporated by reference as fully stated herein.

⁵ Correspondence to Veolia (Plaintiffs are Available), attached hereto as **Exhibit D** and incorporated by reference as if fully stated herein.

The subject documents do not contain confidential information under applicable law or pursuant to this Court's prior orders. Thus, because there is a profound public interest in the Flint Water Crisis and in this litigation (as Veolia and the Court have consistently claimed); because the truth matters (as Veolia has vigorously and publicly argued);⁶ and in light of Veolia's significant public presence online and Veolia's continued public misinformation campaign,⁷ these documents must be de-designated as CONFIDENTIAL. Further, if any are made public, such would not cause oppression, competitive disadvantage, infringement of privacy rights established by statute or regulation, or infringement of confidentiality requirements established by statute or regulation with respect to government purchasing or other operations. Conversely, and perhaps most importantly, doing so might begin to level the playing field.

Dated: August 12, 2023

Respectfully submitted,

/s/ Corey M. Stern

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⁶ See @VNAFlintFacts: Description of Twitter handle, attached hereto as **Exhibit E** and incorporated by reference as if fully stated herein.

⁷ See Declaration of Lauren H. Cohen, Ph.D., previously filed in Case No. 16-cv-10444 [ECF No. 2550], attached hereto as **Exhibit F** and incorporated by reference as if fully stated herein.

CERTIFICATE OF SERVICE

I, Corey Stern, hereby certify that on August 12, 2023 the foregoing document and the attached exhibits were served on all counsel of record via the court's ECF system.

/s/ Corey M. Stern
Corey M. Stern